S.B. CIVIL WRIT PETITION NO.5431/2004
L.Rs. of Ganpat Ram Vs. State of Raj. and others.

Date : 1.4.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Varun Goyal, for the petitioner.

Mr. B.L. Tiwari, Dy.GA, for the respondents.

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Heard learned counsel for the parties.

Brief facts of the case are that the petitioner was allotted a land but there is a dispute about charge to be recovered from the petitioner for which the petitioner preferred S.B. Civil Writ Petition No.5140/1999 wherein an interim order was passed restraining the State from recovering any amount from the petitioner in pursuance of Annexures-12, 13 and 14 submitted in that writ petition.

In the present writ petition, the grievance of the petitioner is that because of the above dues only, the respondent irrigation department is not providing irrigation facility to the petitioners.

Since the petitioners' claim that they are in possession of the land in question and dispute is about the amount which is to be paid by the petitioner and for that purpose, stay has already been granted by this Court and, therefore, during the pendency of this dispute, there cannot be any purpose for denying irrigation facilities to the petitioners occupying the land and depriving them from the fruits of the land.

In view of the above, this writ petition is allowed and

it is directed that the petitioners shall not be denied irrigation facility because of the non-payment of the difference amount as claimed by the State on account of the land falling within the command area. However, the petitioners shall be liable to pay all the charges which are leviable against the petitioners for irrigation facility.

(PRAKASH TATIA), J.

S.Phophaliya